

HB46 INTRODUCED



1 HB46
2 HGHCU66-1
3 By Representative Givan
4 RFD: Health
5 First Read: 13-Jan-26
6 PFD: 05-Nov-25



SYNOPSIS:

Under existing law, abortion is prohibited except to prevent a serious health risk to the unborn child's mother.

This bill would authorize an abortion necessary to preserve the health of the unborn child's mother.

This bill would authorize an abortion if the pregnancy results from rape or incest.

This bill would provide that if an unborn child's father is convicted of rape or incest resulting in a pregnancy subject to abortion, he must pay for the abortion and related costs and undergo either a vasectomy or castration, as determined by the court.

This bill would authorize the mother of an unborn child who undergoes an abortion to preserve her health to petition the court to require the unborn child's father to pay for all medical expenses related to the pregnancy and the abortion.

This bill would authorize a court to adjudicate paternity if an alleged father who is required to pay expenses disputes paternity and would provide for jurisdiction.

This bill would also authorize the father of an unborn child who is required to pay expenses to petition the court for relief and would authorize the



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court to grant relief on the condition that the father undergoes a vasectomy.

A BILL
TO BE ENTITLED
AN ACT

Relating to abortion; to amend Sections 26-23H-3 and 26-23H-4, Code of Alabama 1975; to add Section 26-23H-4.1 to the Code of Alabama 1975; to authorize an abortion to preserve the health of the unborn child's mother or if a pregnancy results from rape or incest; to require an unborn child's father who is convicted of rape or incest to pay for any associated abortion and to undergo a vasectomy or castration; to authorize a mother who undergoes an abortion to preserve her health to petition the court to require the unborn child's father to pay for all medical expenses related to the pregnancy and the abortion; to provide that the unborn child's father may be granted relief if he undergoes a vasectomy; to authorize a court to adjudicate disputed paternity; and to provide for jurisdiction.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 26-23H-3 and 26-23H-4, Code of Alabama 1975, are amended to read as follows:

"§26-23H-3

As used in this chapter, the following terms ~~shall~~ have the following meanings:



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(1) ABORTION. The use or prescription of any instrument, medicine, drug, or any other substance or device with the intent to terminate the pregnancy of a woman known to be pregnant with knowledge that the termination by those means will with reasonable likelihood cause the death of the unborn child. The term does not include these activities if done with the intent to save the life or preserve the health of an unborn child, remove a dead unborn child, to deliver the unborn child prematurely to ~~avoid a serious health risk to~~ preserve the health of the unborn child's mother, or to preserve the health of her unborn child. The term does not include a procedure or act to terminate the pregnancy of a woman with an ectopic pregnancy, nor does it include the procedure or act to terminate the pregnancy of a woman when the unborn child has a lethal anomaly.

(2) ECTOPIC PREGNANCY. Any pregnancy resulting from either a fertilized egg that has implanted or attached outside the uterus or a fertilized egg implanted inside the cornu of the uterus.

(3) LETHAL ANOMALY. A condition from which an unborn child would die after birth or shortly thereafter or be stillborn.

(4) MAN. A male human being, whether or not he has reached the age of majority.

(5) MEDICAL EMERGENCY. A condition which, in reasonable medical judgment, so complicates the medical condition of the pregnant woman that her pregnancy must be terminated to ~~avoid a serious health risk as defined in this chapter~~ preserve the



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85 health of the unborn child's mother.

86 ~~(5)~~ (6) PHYSICIAN. A person licensed to practice
87 medicine and surgery or osteopathic medicine and surgery in
88 Alabama.

89 ~~(6) SERIOUS HEALTH RISK TO THE UNBORN CHILD'S MOTHER.~~
90 ~~In reasonable medical judgment, the child's mother has a~~
91 ~~condition that so complicates her medical condition that it~~
92 ~~necessitates the termination of her pregnancy to avert her~~
93 ~~death or to avert serious risk of substantial physical~~
94 ~~impairment of a major bodily function. This term does not~~
95 ~~include a condition based on a claim that the woman is~~
96 ~~suffering from an emotional condition or a mental illness~~
97 ~~which will cause her to engage in conduct that intends to~~
98 ~~result in her death or the death of her unborn child. However,~~
99 ~~the condition may exist if a second physician who is licensed~~
100 ~~in Alabama as a psychiatrist, with a minimum of three years of~~
101 ~~clinical experience, examines the woman and documents that the~~
102 ~~woman has a diagnosed serious mental illness and because of~~
103 ~~it, there is reasonable medical judgment that she will engage~~
104 ~~in conduct that could result in her death or the death of her~~
105 ~~unborn child. If the mental health diagnosis and likelihood of~~
106 ~~conduct is confirmed as provided in this chapter, and it is~~
107 ~~determined that a termination of her pregnancy is medically~~
108 ~~necessary to avoid the conduct, the termination may be~~
109 ~~performed and shall be only performed by a physician licensed~~
110 ~~in Alabama in a hospital as defined in the Alabama~~
111 ~~Administrative Code and to which he or she has admitting~~
112 ~~privileges.~~



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(7) UNBORN CHILD, CHILD, OR PERSON. A human being, specifically including an unborn child in utero at any stage of development, regardless of viability.

(8) WOMAN. A female human being, whether or not she has reached the age of majority."

"§26-23H-4

(a) It shall be unlawful for any person to intentionally perform or attempt to perform an abortion except as provided for by subsection (b) or (c).

(b) An abortion shall be permitted if an attending physician ~~licensed in Alabama~~ determines that an abortion is necessary in order to ~~prevent a serious health risk to~~ preserve the health of the unborn child's mother. Except in the case of a medical emergency ~~as defined herein~~, the physician's determination shall be confirmed in writing by a second physician ~~licensed in Alabama~~. The confirmation shall occur within 180 days after the abortion is completed and shall be prima facie evidence for a permitted abortion.

(c) (1) An abortion shall be permitted if the pregnancy is the result of an act of rape or incest.

(2) If a man is convicted of the act of rape or incest and the act results in pregnancy, the court shall require him to: (i) pay for all medical expenses associated with the resulting pregnancy and abortion; and (ii) undergo either a vasectomy or castration."

Section 2. Section 26-23H-4.1 is added to the Code of Alabama 1975, to read as follows:

§26-23H-4.1



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141 (a) If an abortion is necessary to preserve the health
142 of an unborn child's mother pursuant to Section 26-23H-4, the
143 mother of the unborn child may petition the circuit court to
144 require the unborn child's father to pay all medical expenses
145 associated with the pregnancy and the abortion including, but
146 not limited to, expenses associated with any complications
147 resulting from the pregnancy or abortion.

148 (b) A father required to pay for expenses pursuant to
149 subsection (a) may petition the circuit court for relief from
150 those requirements, provided that the father agrees to undergo
151 a vasectomy. A man required to undergo a vasectomy under this
152 subsection must provide the court with documentation of the
153 vasectomy.

154 (c) If a man required to pay for expenses pursuant to
155 subsection (a) disputes that he is the father of the unborn
156 child in question, he may petition the circuit court to
157 adjudicate paternity. If the court determines that the man is
158 the biological father of the unborn child, he must either pay
159 the expenses required by subsection (a) or petition for a
160 grant of relief pursuant to subsection (b).

161 (d) (1) The appropriate venue for an expected proceeding
162 under this section is the circuit court in the county in which
163 the unborn child's alleged father resides or in which the
164 unborn child's mother resides.

165 (2) Court proceedings under this section shall be given
166 precedence over other pending matters as necessary to ensure
167 that the court may reach a decision promptly, but in no case
168 shall the court fail to rule within 48 hours after the time



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169 the petition is filed, Saturdays, Sundays, and legal holidays
170 excluded.

171 Section 3. This act shall become effective on October
172 1, 2026.